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EXAMINER
NAHAR, QAMRUN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 May 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-9,13,15,16,18,20 and 25</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-9,13,15,16,18,20 and 25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the RCE filed on 05/19/2009.

2.   Claims 2, 10-12, 14, 17, 19, 21-24 and 26-27 have been canceled.

3.   Claims 1, 3-4, 7-9, 13, 15, 18, 20 and 25 have been amended.

4.   Claims 1, 3-9, 13, 15-16, 18, 20 and 25 are pending.

Response to Amendment

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

6.   Claims 13, 15-16, 18 and 20 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

        Claims 13, 15-16, 18 and 20 are directed to a method. However, the recited steps of the

method are held to be non-statutory subject matter because the recited steps of the method are (1)

not tied to another statutory class (such as a particular apparatus) or (2) not transforming the

underlying subject matter (such as an article or materials) to a different state or thing. Applicant

is advised to amend the claims to recite "[a] computer-implemented method" in order to

overcome the § 101 rejections.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

8.   Claims 1, 7-9, 13, 18, 20 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over O'Leary (U.S. 5,950,000) in view of Mason (U.S. 6,817,005).

Per Claim 1:

        O'Leary teaches a processor and a memory ("… a central processing unit (CPU) 106, a

memory 108 …" in column 3, lines 34-36); a tool file stored in the memory, the tool file

representing the tool to be integrated into the design environment and comprising a custom build

rule for the tool that includes a generalized description of the syntax of a command line that is

run when the tool is executed, the generalized description of the syntax of the command line

including at least one tag identifying a dynamic property of a command line ("… When IPE

manager 200 is next brought up and the Visual menu item is selected on Tools menu 404, on the

pullright menu 504, there is a menu item with a reference to a file "/home/pat/src/app.xd" created

by Visual … When a file is selected, the IPE manager invokes Visual and specifies the selected

file as a command line parameter. … the name of the selected file …" in column 6, lines 3-25;

where "/home/pat/src/app.xd" is analgous to the generalized description of the syntax of the

command line); and a generic property store in the memory that stores values for the dynamic

property ("… the name of the selected file is broadcast in a message … update their picklists …"

in column 6, lines 18-23); a content handler executing on the processor that receives the tool file

and generates from the custom build rule a custom build rule object, the custom build rule object

evaluating the dynamic property of the command line and automatically replacing the tag in the

generalized description of the command line with one or more values from the generic property

store to transform the generalized description of the command line into an executable command

line comprising the name of the tool to be executed ("… IPE manager … after the GUI builder

214 generates a makefile. The Build entry on the menu bar of GUI 300 is pulled down to

disclose the target of make "app in /home/pat/src/Makefile" as the top reference on the build

target picklist …" in column 6, lines 3-25 and 38-65). O'Leary does not explicitly teach a

command line switch of the command line or the dynamic property of the command line switch

or one or more command line switch properties associated with the tool.

However, Mason teaches a command line switch of the command line; the dynamic

property of the command line switch; and one or more command line switch properties

associated with the tool (column 21, lines 12-14).

It would have been obvious to one having ordinary skill in the computer art at the time of

the invention was made to modify the computer system disclosed by O'Leary to include a

command line switch of the command line; the dynamic property of the command line switch;

and one or more command line switch properties associated with the tool using the teaching of

Mason. The modification would be obvious because one of ordinary skill in the art would be

motivated to efficiently integrate modules that are implemented separately (Mason, abstract).

Per Claim 7:

O'Leary further teaches further comprising a dialog for adding or modifying the tool file

(column 6, lines 10-13).

Per Claim 8:

O'Leary further teaches further comprising a dialog for adding or modifying the custom build rule (column 6, lines 57-59).

Per Claim 9:

O'Leary further teaches further comprising a dialog for adding or modifying the dynamic property of the custom build rule (column 6, lines 57-59).

Per Claim 13:

This is a method version of the claimed computer system discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including "executing the executable command line to invoke the tool in the design environment" (O'Leary, column 6, lines 60-63). Thus, accordingly, this claim is also obvious.

Per Claim 18:

The rejection of claim 13 is incorporated, and O'Leary further teaches wherein the build rule object generated from the build rule creates a dynamic property descriptor (column 6, lines 3-25).

Per Claim 20:

The rejection of claim 13 is incorporated, and O'Leary further teaches wherein the one or

more values with which the tag is replaced are associated with a particular use of the build rule in

a project (column 6, lines 3-25).

Per Claim 25:

This is a computer-readable storage medium version of the claimed computer system

discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered

in cited areas as set forth above, including "executing the executable command line to invoke the

tool in the design environment" (O'Leary, column 6, lines 60-63). Thus, accordingly, this claim

is also obvious.

9.   Claims 3-6 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Leary (U.S. 5,950,000) in view of Mason (U.S. 6,817,005), and further in view of Odaka (U.S.

2003/0140333).

Per Claim 3:

The rejection of claim 2 is incorporated, and further, O'Leary does not explicitly teach

wherein the tool file is associated with a schema. Odaka teaches wherein the tool file is

associated with a schema (pg. 2, par. 25, lines 7-13).

It would have been obvious to one having ordinary skill in the computer art at the time of

the invention was made to modify the system disclosed by O'Leary to include wherein the tool

file is associated with a schema using the teaching of Odaka. The modification would be

obvious because one of ordinary skill in the art would be motivated to create customized tags

that offer great flexibility in organizing and presenting information (Odaka, pg. 1, par. 13, lines

1-5).

Per Claim 4:

The rejection of claim 2 is incorporated, and further, O'Leary does not explicitly teach

wherein the tool file comprises an XML file. Odaka teaches wherein the tool file comprises an

XML file (pg. 2, par. 25, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of

the invention was made to modify the system disclosed by O'Leary to include wherein the tool

file comprises an XML file using the teaching of Odaka. The modification would be obvious

because one of ordinary skill in the art would be motivated to create customized tags that offer

great flexibility in organizing and presenting information (Odaka, pg. 1, par. 13, lines 1-5).

Per Claim 5:

The rejection of claim 4 is incorporated, and Odaka further teaches wherein the XML file

is associated with an XML schema (pg. 2, par. 25, lines 1-13).

Per Claim 6:

The rejection of claim 5 is incorporated, and Odaka further teaches wherein the XML file

is validated against the XML schema (pg. 2, par. 25, lines 1-13).

Per Claims 15 & 16:

These are method versions of the claimed system discussed above (claims 4-6), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Response to Arguments

10.   Applicant's arguments with respect to claims 1, 3-9, 13, 15-16, 18, 20 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11.   Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Qamrun Nahar/
Qamrun Nahar
Primary Examiner, Art Unit 2191
June 16, 2009